UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

In re: KOONTZ-WAGNER CUSTOM CONTROL HOLDINGS LLC, Debtor.)) Case No. 18-33815) (Chapter 7))
RODNEY D. TOW, CHAPTER 7 TRUSTEE, Plaintiff,)))) Adversary No. 20-03271
v. HOUSTON PERSONNEL SERVICE, INC. d/b/a EXPRESS EMPLOYMENT PROFESSIONALS, Defendant.)))))))))

TRUSTEE'S SECOND MOTION TO EXTEND TIME FOR THE DEFENDANT TO FILE AN ANSWER OR OTHERWISE RESPOND TO THE TRUSTEE'S FIRST AMENDED COMPLAINT PURSUANT TO FEDERAL BANKRUPTCY RULE 7012

TO THE HONORABLE MARVIN ISGUR, UNITED STATES BANKRUPTCY JUDGE:

Rodney D. Tow (the "<u>Trustee</u>" or "<u>Plaintiff</u>"), in his capacity as chapter 7 trustee for the chapter 7 bankruptcy estate of Koontz-Wagner Custom Control Holdings, LLC (the "<u>Debtor</u>"), files this Trustee's Motion to Extend Time for the Defendant to File an Answer or Otherwise Respond to the Trustee's First Amended Complaint Pursuant to Federal Bankruptcy Rule 7012, and in support thereof would show this Court as follows:

1. On October 8, 2020, the Trustee filed the Trustee's First Amended Complaint to Avoid and Recover Transfers Pursuant to 11 U.S.C. §§547 and 550, and for Other Relief (the "Amended Complaint"). The Amended Complaint added Houston Personnel Service, Inc. (the

"Defendant") as defendant to the above-captioned adversary proceeding, replacing the defendant indicated in the original complaint. On October 9, 2020, the Trustee served a copy of the Amended Complaint and Summons on the Defendant. The deadline for Defendant to answer or otherwise respond to the Amended Complaint was November 9, 2020.

- 2. On November 6, 2020, the Defendant requested additional time to answer or otherwise respond to the Amended Complaint as the Defendant is in the process of gathering relevant documents. The Trustee, through counsel, agreed to a 30-day extension and the Court granted such extension through December 9, 2020.
- 3. On December 7, 2020, the Defendant requested further additional time to answer or otherwise respond to the Amended Complaint. The Trustee, through counsel, has agreed to a 9-day extension through December 18, 2020.
- 4. The Trustee and the Defendant have started negotiations with respect to this claim.

 The Trustee believes that minimizing the Defendant's potential legal fees will increase the chances of a consensual resolution of this matter.
- 5. The Trustee therefore requests a 9-day extension of the deadline for Defendant to answer or otherwise respond to the Complaint through Friday, December 18, 2020.

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WHEREFORE, the Trustee respectfully requests that the Court enter an order extending the answer deadline until December 18, 2020, and for such other and further relief, at law and in equity, as this Court deems just.

Dated: December 9, 2020 Respectfully submitted,

PARKINS LEE & RUBIO LLP

/s/R. J. Shannon

R. J. Shannon (TBA No. 24108062) Pennzoil Place

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Proposed Special Counsel for Rodney D. Tow, Chapter 7 Trustee for Koontz-Wagner

Custom Control Holdings LLC

CERTIFICATE OF SERVICE

I hereby certify that on December 9, 2020, I caused a true and correct copy of the foregoing to be served on the Defendant at the following address:

Houston Personnel Service, Inc. c/o Robert P. Franke Clark Hill 901 Main Street, Suite 6000 Dallas, TX 75202 bfranke@clarkhill.com

/s/R. J. Shannon

R. J. Shannon